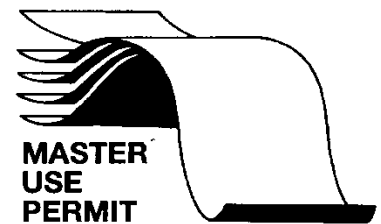


Seattle Department of Planning and Development

D. M. Sugimura, Director

February 4, 2013



Notice of Decision

The Director of the Department of Planning and Development has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal MUST be in writing. Appeals may be filed online at <http://www.seattle.gov/examiner/efile.htm> or deliver your appeal <http://www.seattle.gov/examiner/LANDUSEAPLFORM.pdf> in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mail it to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729.

Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by a \$85.00 filing fee in the form of a check payable to the City of Seattle or a credit/debit card (Visa and MasterCard only) payment made in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship).

The appeal must identify all the specific Master Use Permit component(s) being appealed, specify exceptions or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must conform in content and form to the Hearing Examiner's rules governing appeals. A copy of the Hearing Examiner Rules is available for \$1.75 from DPD. The Hearing Examiner's Office also provides a "Public Guide to Appeals and Hearings Before the Hearing Examiner" <http://www.seattle.gov/examiner/guide-toc.htm>. To be assured of a right to have your views heard, you must be party to an appeal. Do not assume that you will have an opportunity to be heard if someone else has filed an appeal from the decision. For information regarding appeals, visit the Hearing Examiner's website at www.seattle.gov/examiner or call them at (206) 684-0521.

Interpretations

Issues concerning the proper application of any development regulation in the Land Use and Zoning Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) cannot be raised as part of this appeal. These issues can be considered in an interpretation, which may be appealed to the Hearing Examiner. Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,000.00 fee payable to the City of Seattle. (This fee covers the first eight hours of review. Additional hours will be billed at \$250.00.) **Requests must be submitted to the Department of Planning and Development, Code Interpretation and Implementation Section, 700 5th Av Ste 2000, PO Box 34019, Seattle WA 98124-4019.** Questions regarding how to apply for a formal interpretation may be asked by phone by calling (206) 684-8467.

Shoreline Decisions

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the DPD decision is received by the State Department of Ecology (DOE). The DPD decision will be sent to DOE by the close of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the close of business on the Friday of this week. The beginning of the appeal period may also be provided to you by calling (206) 684-8467. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot be summarized here but written instructions are available at the Department of Planning and Development (Client Assistance Memo 232), 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019, (206) 684-8467 or contact the Shorelines Hearing Board at (360) 459-6327. Failure to properly file an appeal within the required time period will result in dismissal of the appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. When a decision has been made on a shoreline application with environmental review and other appealable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

Comments

When specified below written comments will be accepted. Comments should be addressed to: Department of Planning and Development, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019.

Information

For additional information, to obtain a copy of the decision or to learn if a decision has been appealed, contact the DPD Public Resource Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000 20th Floor, (206) 684-8467. A copy fee will be charged. (The Public Resource Center is open 8:00 a.m. to 4:00 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 4:00 p.m. on Tuesday and Thursday.)

Decision

Area: North/Northwest **Address:** 143 NW 85TH ST

Project: 3014330 **Zone:** STEEP SLOPE ($\geq 40\%$), ARTERIAL WITHIN 100FT, SPECIAL GRADING REQUIREMENT, URBAN VILLAGE OVERLAY, NEIGHBORHOOD COMMERCIAL2-40, SALMON WATERSHED

Decision Date: 02/04/2013

Contact: JAY JANETTE - (206) 919-2624

Planner: Stephanie Haines - (206) 684-5014

Land Use Application to allow a five-story building with four residential units and one live/work unit in an environmentally critical area. Project also includes 11,034 cu. yds. of grading.

The following appealable decisions have been made based on submitted plans:

Determination of Non-Significance (no environmental impact statement required). Environmental review completed and no conditions imposed. This DNS is issued using the optional DNS process in WAC 197.11.355 and SMC 25.05.355. The comment period was originally published on **November 8, 2012** and there is no further comment period on this DNS.

Appeals of this decision must be received by the Hearing Examiner no later than **2/18/2013**.